

# United States District Court

Western DISTRICT OF Texas

**FILED**

NOV 10 2014

UNITED STATES OF AMERICA

V.

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY MB  
DEPUTY CLERK

Michael Lee LUJAN  
Carlomagno ROJAS  
Jesus Alberto BONILLO Parada  
Jesus Antonio MONTOYA Balderrama  
Marcos Antonio AVILA Ramirez

## CRIMINAL COMPLAINT

CASE NUMBER: P: 14-MJ 1081 (1-5)

I, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about **November 5, 2014**, in **Presidio County**, in the **Western District of Texas**, defendant(s) did, and others, aiding and abetting one another, knowingly and intentionally possess with the intent to distribute **marijuana**, to wit: approximately **225.15 pounds/ 102.3 kilograms** (gross weight) of **marijuana**, a Schedule I Controlled Substance in violation of **Title 21 United States Code, Section(s) 841(a)(1) and Title 18 United States Code Section 2.**

I further state that I am a United States Immigration and Customs Enforcement Special Agent and that this complaint is based on the following facts:

### See Attached Affidavit

Continued on the attached and made a part hereof:   X   Yes        No

  
Signature of Complainant  
William Werner, Special Agent

Sworn to before me and subscribed in my presence,

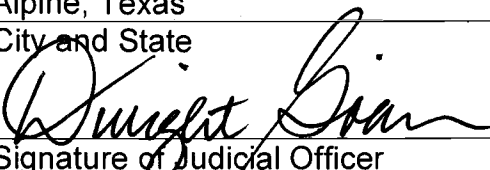
November 10, 2014

Date

B. Dwight Goains

Name & Title of Judicial Officer

Alpine, Texas  
City and State

  
Signature of Judicial Officer

AFFIDAVIT

On November 5, 2014, United States Border Patrol Agents from Marfa Station were conducting their daily duties. At approximately 0525 hours, agents observed a blue in color Cadillac CTS traveling westbound along Highway 90. Agents further observed the vehicle stop and two subjects run from the brush and enter the Cadillac. The Cadillac then proceeded westbound along Highway 90. Because this area is notorious for illegal alien and narcotics trafficking, agents subsequently conducted a stop on the Cadillac for the purpose of conducting an immigration inspection on its occupants.

Agents identified the driver of the Cadillac as Carlomagno ROJAS, a United States citizen. The front seat passenger was later identified as Michael LUJAN, also a United States citizen. Agents identified the two rear seat passengers as Jesus BONILLA Parada and Antonio MONTOYA Balderrama. Both subjects were found to be citizens and nationals of Mexico illegally present in the United States.

During the course of the stop, LUJAN fled from the vehicle and led agents in a brief foot pursuit. Agents had to deploy oleoresin capsicum (OC) spray and physically restrain LUJAN in order to take him into custody. All four subjects and the vehicle were then taken to the Marfa Border Patrol Station for processing.

At the Border Patrol Station, agents were informed that there were possibly several subjects still outstanding in the desert, as well as several marijuana bundles. Furthermore, agents were informed that the additional subjects were in need of immediate medical attention and possibly dead. BONILLLA agreed to lead agents to the location of the marijuana bundles and additional subjects.

BONILLA led agents to the location where he had last seen the subjects and marijuana. There agents found one sugar sack that contained brick shaped bundles of marijuana. Agents also encountered southbound foot sign. Agents followed the foot sign approximately 400 yards and discovered two more sugar sacks containing brick shaped bundles of marijuana. Agents then tracked additional foot sign and discovered a fourth sugar sack containing brick shaped bundles of marijuana. This last sack was found approximately three miles from the first three. During this time, agents did not encounter any additional subjects.

Agents transported the four sugar sacks of marijuana back to the Marfa Border Patrol Station for processing. There was found to be a total of 212 brick shaped bundles weighing approximately 225.12 pounds/ 102.3 kilograms.

At approximately 1430 hours, agents apprehended Marcos Antonio AVILA Ramirez at the Valentine Post Office. AVILA was found to be a citizen and national of Honduras illegally present in the United States. AVILA was then transported to the Marfa Border Patrol Station.

Homeland Security Investigations (HSI) Special Agents (SA), Task Force Officers from the Drug Enforcement Administration (DEA) and United States Border Patrol Intelligence Agents all responded to conduct the investigation.

Prior to being interviewed by agents, LUJAN had been read his Miranda Statement of Rights. LUJAN was reminded of his rights, stated he understood them and agreed to speak to agent without the presence of an attorney. LUJAN stated that he and ROJAS were in the Valentine area to pick up his cousin who he claimed was in the group of backpackers. LUJAN stated he believed the backpackers were transporting approximately 500 pounds of marijuana and several "kilos" of cocaine. LUJAN further stated he knew the narcotics were destined to Odessa, Texas. LUJAN also stated he knew that both the backpackers and the narcotics were being transported to Odessa. LUJAN stated there was a second vehicle that was supposed to pick up the narcotics, but that vehicle was never located.

Though LUJAN stated he wasn't supposed to pick up narcotics on this trip, he stated recently (3 or 4 weeks prior) he had picked up marijuana backpacks in Alpine and delivered them to Odessa.

ROJAS was read his Miranda Statement of Rights and agreed to speak to agents without the presence of an attorney. ROJAS stated he was asked by LUJAN to pick up some of his (LUJAN's) friends in Van Horn. ROJAS stated he agreed and he and LUJAN proceeded to Van Horn. ROJAS initially stated it was just he and LUJAN on the trip. When agents informed ROJAS that they knew about another vehicle, ROJAS changed his story and stated there was indeed another vehicle with two more subjects. However, ROJAS stated they were his friend's from Odessa and had coincidentally come to Van Horn the same night he was there. Upon arrival in Van Horn, ROJAS stated that he, LUJAN and the other two subjects stayed in a hotel room. ROJAS stated the reason for renting the room was because LUJAN's friends had not arrived in Van Horn yet. ROJAS stated the other two subjects (in a separate vehicle) were en route to El Paso, but had stayed with them at the hotel because they were tired. ROJAS stated he rented the room with his own money. Upon waking up, ROJAS stated his two friends were gone. ROJAS stated he and LUJAN then departed the hotel and began traveling down Highway 90 towards Valentine/ Marfa. ROJAS stated he still didn't know what was going on, but knew once he passed the gas station that something illegal was about to happen. Towards the end of the interview, ROJAS stated, "I was able to stop it before it happened, but I didn't because I'm stupid." ROJAS also stated, "I know what I did was wrong." ROJAS changed his story several times throughout the interview, however never claimed responsibility for the marijuana.

BONILLA was read his Miranda Statement of Rights and agreed to speak to agents without the presence of an attorney. BONILLA stated he and four others crossed into the United States illegally from Mexico via the Rio Grande River. BONILLA stated the four other subjects with him were all carrying marijuana backpacks. BONILLA stated he didn't carry a marijuana backpack because he had paid a "coyote" \$2000.00 to cross into the United States. BONILLA stated he did however carry a backpack of food. BONILLA stated the food was for himself; however he also stated he shared the food with the others. BONILLA stated the others left the marijuana in the desert because they got tired.

MONTOYA was read his Miranda Statement of Rights and agreed to speak to agents without the presence of an attorney. MONTOYA stated he and four others crossed into the United States from Mexico via the Rio Grande River. MONTOYA stated he was one of the four that was carrying the marijuana backpack. MONTOYA also stated that each person carried a little food and water, but BONILLA carried the majority of it for the group. MONTOYA stated he believed the marijuana and backpackers were all supposed to load up in the Cadillac and go to Odessa.

AVILA was read his Miranda Statement of Rights and agreed to speak to agents without the presence of an attorney. AVILA stated he and four others crossed into the United States from Mexico via the Rio Grande River. AVILA also stated he was one of the four that was carrying a marijuana backpack. AVILA stated BONILLA was carrying the food and water for the group.

AUSA Layton Duer was advised of the above facts and authorized Federal Prosecution on all five subjects for violation of Title 21 USC 841.

I make this affidavit on the basis of my personal knowledge and information furnished to me by other law enforcement officers.